Defense Says Chicago Police Erred on Identity of Yippie

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By William Chapman
Washington Post Staff Writer

CHICAGO, Oct. 3—The defense in the "Chicago 8" conspiracy trial sought to show today that a police witness had the wrong man when he pointed out Jerry Rubin, the Yippie leader, as an instigator of a police confrontation here last year.

It brought into the courtroom unexpectedly a helmeted stranger, suggesting that he—and not Rubin—was the man spotted by police in Lincoln Park on the eve of the Democratic National Convention.

Next Rubin issued a statement from his jail cell declaring he never was in the park on the night in question and claimed the government had "invented a 'Jerry Rubin' in a fantastic attempt to railroad us to jail."

Conference Follows

The courtroom scene was followed by a news conference —now a regular event of the defendants' out-of-court publicity campaign—at which the stranger appeared and claimed he was wearing the identifying helmet in the park that night.

The man's name was given later as Robert Levin. Levin, a 27-year-old psychology professor from North Andover, Mass., said he had come to the park for the pre-convention demonstrations.

In the trial, which turns up such surprises almost daily, Rubin and seven other men are charged with conspiring to start a riot at the Democratic National Convention last year.

On Thursday, an undercover policeman named Robert Murray, testified he saw Rubin urge a crowd toward a line of police in Lincoln Park the night before the convention began. The crowd later threw sticks, rocks and cans at the police. Murray had said Rubin wore a white motorcycle helmet bearing the taped numerals "88."

Today, while cross-examining Murray, defense lawyer William M. Kunstler asked permission to bring a witness into the room.

Government prosecutor Richard Schultz made and then withdrew an objection, and into the courtroom stepped Levin wearing a white helmet with blue tape stripes.

'Was This The Man?'

Kunstler asked the police witness, "Was this the man you saw?" Murray said, "That is not him," and explained that the man in court today was heavier than Rubin.

Levin left the courtroom after the judge had formally designated him an "exhibit."

Levin, at the press conference later, said he was in the park at the spot Officer Murray testified he had seen Rubin and a crowd of people. Levin said he may have used obscenities as Murray said Rubin had done—but had not urged anyone to move toward the line of police.

He also said he had been interviewed by an ABC television reporter just as Murray recalled seeing Rubin being interviewed that night.

Levin had been called at home last night by Rennie Davis, another defendant on trial, and asked to fly to Chicago today for the appearance. Davis told reporters someone had recalled seeing Levin in the park that night with a white helmet numbered "88."

Still another stranger turned up at the press conference, saying that Chicago police, in the days before the convention began, had also confused him with Rubin and followed him night and day. He identified himself as David Boyd, a Brooklyn College student. The police keeping him under surveillance repeatedly referred to him as "Jerry" and "Rubin," despite his insistence they had the wrong man, Boyd said.